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9 Attorneys for Plaintiff
10 CARL ZEISS MEDITEC, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 CARL ZEISS MEDITEC, INC.,

Case No. 3:19-cv-04162

14 Plaintiff,

**CARL ZEISS MEDITEC, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL PURSUANT
TO CIVIL LOCAL RULE 7-11**

15 v.

16 TOPCON MEDICAL SYSTEMS, INC.,
TOPCON HEALTHCARE SOLUTIONS,
17 INC., TOBIAS KURZKE, GREG
HOFFMEYER, GENEVIEVE FAY,
18 KATALIN SPENCER, KEITH BROCK,
CHARLES GUIBORD, JR., JOSEPH
19 CICCANESE, MELISSA GOEKE, AND
DOES 1-50,

Hearing:

Date: August 30, 2019

Time: 9:30 a.m.

Location: San Francisco Courthouse
Courtroom G - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

20 Defendants.

21
22 Plaintiff Carl Zeiss Meditec, Inc. ("CZMI"), pursuant to Civil Local Rule 7-11 hereby
23 moves for an Order directing that portions of Exhibits A-H and the entirety of Exhibit I to the
24 Declaration of Anita Burton be filed under seal, to be filed concurrently. Those portions (the
25 "Confidential Material") have been redacted from the exhibits pending the Court's ruling on this
26 motion.

27 For competitive and other reasons, CZMI has maintained the confidentiality of the
28 information sought to be filed under seal in support of CZMI's Motion for Preliminary Injunction,

1 Exhibits A-I to the Declaration of Anita Burton. Exhibits A-H consist of certain employment and
 2 confidentiality agreements between CZMI and former employees who are defendants in this
 3 matter. These agreements protect CZMI from the misappropriation of trade secrets and
 4 confidential information, and therefore reveal, in part, how CZMI protects its trade secrets, and
 5 accordingly reference material that is protectable as a trade secret or otherwise entitled to
 6 protection under the law (“sealable”) in various portions of these documents for purposes of Rule
 7 79-5. Exhibit I is a document that describes and references CZMI’s trade secrets and confidential
 8 information, and forms a portion of the trade secrets that are the subject of this motion, and
 9 therefore is protectable as a trade secret or otherwise entitled to protection for purposes of Rule
 10 79-5. *See* Declaration of Jeremy T. Elman (“Elman Decl.”), ¶ 3.

11 Public disclosure of the information would cause competitive harm to CZMI, as these
 12 documents describe trade secret and confidential information regarding CZMI’s business,
 13 including but not limited to Exhibits A-H, which describe CZMI’s relationships with its
 14 employees and ways in which trade secret and confidential information is protected by CZMI.
 15 CZMI’s competitive standing, and its ability to recruit and retain employees, would be harmed if
 16 these documents were disclosed publicly, and CZMI may be unable to prevent public disclosure
 17 of materials shared with its employees in strict confidence. Disclosure of Exhibit I specifically
 18 would risk disclosure of the trade secrets that are at the heart of this entire dispute. Elman Decl.,
 19 ¶ 4.

20 A party has “compelling reasons” to seal information in a filing when disclosure of that
 21 information would “release trade secrets,” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172,
 22 1179 (9th Cir. 2006), or when the material would disclose “sources of business information that
 23 might harm a litigant’s competitive standing,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589,
 24 598 (1978). CZMI meets this standard for Exhibits A-I, and is therefore requesting to file under
 25 seal portions of Exhibits A-H and the entirety of Exhibit I under seal. Elman Decl., ¶ 5.

26 The proposed order specifically reflecting the proposed redactions of the Confidential
 27 Material is narrowly tailored and described pursuant to Local Rule 79-5(d)(1)(b). It addresses
 28 only information which, if disclosed, would be commercially harmful to CZMI.

1 DATED: July 24, 2019

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3 DORSEY & WHITNEY LLP

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5 By: /s/ Jeremy T. Elman
6 JEREMY T. ELMAN

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8 Attorneys for Plaintiff
9 CARL ZEISS MEDITEC, INC.

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